

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

WING C. CHAU, M.D., et al.,  
Plaintiffs,

v.

AVIVA LIFE AND ANNUITY COMPANY,  
et al.,  
Defendants.

No. CV-09-5037-FVS

ORDER DENYING DEFENDANTS'  
MOTION TO DISMISS,  
GRANTING PLAINTIFFS'  
MOTION TO AMEND, AND  
GRANTING DEFENDANTS'  
MOTION TO STAY

**THIS MATTER** comes before the Court for consideration of three motions. The parties have fully and ably briefed all three motions. Given the nature of the issues raised by the motions, and given the superior quality of the parties' briefing, the Court has determined oral argument is unnecessary.

**IT IS HEREBY ORDERED:**

1. The plaintiffs' motion to amend (**Ct. Rec. 32**) is **granted**. The plaintiff shall file the "Second Amended Complaint."

2. The defendants' motion to dismiss (**Ct. Rec. 13**) is **denied** as moot with leave to refile.

3. The defendants' motion to stay proceedings (**Ct. Rec. 23**) is **granted**. All proceedings in this case are **STAYED** pending a determination by the United States Judicial Panel on Multidistrict Litigation with respect to whether this action should be transferred to the Northern District of Texas. The parties are to advise this

1 Court when the Panel makes its determination.

2 4. All hearings scheduled before this Court are stricken.

3 **IT IS SO ORDERED.** The District Court Executive is hereby  
4 directed to enter this order and furnish copies to counsel.

5 **DATED** this 9th day of September, 2009.

6  
7 s/ Fred Van Sickle  
8 Fred Van Sickle  
9 Senior United States District Judge  
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